Office of the Saskatchewan Information and Privacy Commissioner August 2010

FOIP FOLIO

REGINA ACCESS AND PRIVACY CONFERENCE IS ALMOST HERE!

Additional space has been acquired to accommodate the overwhelming response to the previously sold out Saskatchewan Access, Privacy, Security and Records Management Forum—"Making Connections" slated for September 28-29, 2010 in Regina at the Regina Inn.

There will be a day of optional workshops offered on September 27, ideal for individuals who are interested in a more in depth discussion on *Designing a Business Driven Security Program; Severing—Art or Science;* and *Implementing E-Record Software Systems—The Good and the Bad.* The conference itself has a wide scope and should provide tips of value to anyone working in the access and privacy community for any private or public sector organization. For more details on the workshops and conference please click on http://www.verney.ca/sk2010/registration/index.php.

As well, one fascinating speaker confirmed for the Regina conference is **Brad "Renderman" Haines** who offers a hacker's perspective to the issue of computer security. His observations and humour will be a special treat for conference attendees. Mr. Haines is a self-described "hacker and security consultant". He has extensive first hand experience dealing with wireless and physical security issues. He is the author of *7 Deadliest Wireless Technologies Attacks*, and co-author of *Kismet Hacking* and *RFID Security*. He is a frequent speaker at conferences and workshops in North America and has done presentations to diverse audiences, including the Westpoint Military Academy. What he has to say may not help you sleep better at night but it will leave

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you feeling better equipped to deal with the many serious contemporary threats to information privacy.

In the materials for a recent University of Alberta Access and Privacy Conference, Renderman's lab is described as follows:

Renderlab.net is the online extension of the real world 'Renderlab'. The Renderlab was named in keeping with the name of the maintainer, 'Renderman'. When he asked his friends many years ago, to use his alternate name, his friends started calling everything around him the Renderworld. The Rendervan, Rendercan, Renderchair, Rendercat and so on. So in keeping the computer lab became the 'Renderlab'. The name 'Renderman' originally was given to him by friends many years ago while he was in high school with dreams of computer animation (before he found out that he had the technical skill, but no artistic ability). His penchant for taking over the entire lab of computers to use for batch network rendering earned him the nickname Renderman.

The current lab has little to do with Rendering anymore. Though the lab is actually a physical lab setup for testing security and playing with technology, the real lab is all around you. Anywhere you go the opportunity for discovery is there. With research, the world is your oyster. This site is here to provide a place to share what has been discovered in the Renderworld with the rest of world.

Renderlab will also house some projects of the Renderfriends, various projects by friends that are neat and interesting and should be shared. This can be everything from art to auto's to rants.

The goal of Renderlab is just to have good content and good ideas. We have no discernable agenda or motives other than freedom of information and ideas, even if some don't like them.

Renderman is not without his critics however, as he regularly points out and shares, with whomever will listen, the various flaws/misconceptions, etc in the technical realm we now live in. On his blog, which can which can be found at www.renderlab.net, he posts this comment in response to his critics:

There are some out there who take particular issue with me and my work. They figure me as a medial whore and that I do nothing worthwhile. To my detractors and critics: I don't care. I do what I do and I post it for people to see. If they like it, great, if they don't so be it. If you don't like what I'm doing or saying, don't watch or listen."

A truly interesting and controversial Canadian talent, we look forward to hearing him this fall in Regina.

DEADLINE FOR CULLITON AWARD NOMINATIONS FAST APPROACHING!

Your organization can join a number of Saskatchewan organizations that have distinguished themselves in terms of innovation and creativity in meeting FOIP requirements. Organizations that have been honoured in the past include the City of Regina, Saskatchewan Health Quality Council, Saskatoon Regional Health Authority and the Saskatchewan Institute for Applied Science and Technology (SIAST).

The Right to Know (RTK) steering committee is again seeking nominations for the *Chief Justice E.M. Culliton Right to Know Award.* The intent of the award is to celebrate and to recognize leadership in promoting open and accountable government.

To be eligible, the body must be a Saskatchewan government institution (provincial government Ministry, Crown corporation, board, commission or agency) or a local authority (e.g. regional health

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authority, municipality, library, school, university or college).

The nominee should be an agency that has demonstrated some or all of the following qualities:

- Leadership in promoting public access to the agency's information;
- Creativity in building public awareness of access to information;
- Excellence in orientation of, and service training in, employee access to information responsibilities; and/or
- Innovation in the development of tools to promote or facilitate access to information.

The **deadline** for nominations is **September 15, 2010** and can be self-initiated or third party. Nominations should include a letter of nomination (up to 1,000 words), and samples of materials relevant to the nomination (testimonials or other material).

The award will be presented during Right to Know Week which will be held September 27—October 1, 2010.

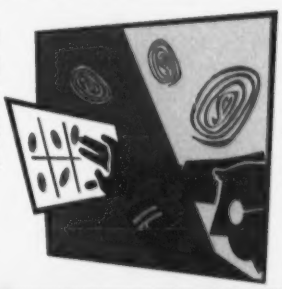
Nominations can be sent to the Right to Know Steering Committee, c/o # 503, 1801 Hamilton Street, Regina, SK S4P 4B4 or fax (306) 798-1603 or email shickling@oipc.sk.ca.

MODEL CONTRACT LANGUAGE FOR PRIVATE SECTOR ORGANIZATIONS

The Alberta Government has produced a very useful document to assist business organizations and non-profit organizations in that province to comply with the *Personal Information Protection Act* (PIPA) when they enter into out-sourcing arrangements. Since the OIPC receives a large volume of requests for sample documents, we encourage Saskatchewan private sector organizations to consider this new resource. The caveat is that Saskatchewan does not have such a law and the relevant law for Saskatchewan businesses is the federal *Personal Information Protection and Electronic Documents Act* (PIPEDA). This resource is available at pipa.alberta.ca.

YOU MAY BE LEAVING A TRAIL WHEREVER YOU GO ON THE WEB

Research released in late May indicates that 84% of web browsers leave digital fingerprints that serve to uniquely identify them. See http://www.theregister.co.uk/2010/05/17/browser_fingerprint/.



More information about the loss of anonymity on the Net is available at the Web 2.0 Security and Privacy conference website http//:w2spconf.com/2010/papers/p26.pdf.

Right to Know Week is September 27—October 1, 2010

CALIFORNIA HOSPITALS FINED FOR PRIVACY VIOLATIONS

On June 10, 2010, the Department of Public Health in California announced fines totalling $675,000 against five hospitals under California's medical privacy breach reporting law. For the most part these involved inappropriate viewing by employees with authorization to access electronic health information systems. In other words, this was snooping for personal, not therapeutic, purposes. In several of these cases the employees involved were also fired. More information is available at http://www.cdph.ca.gov/Pages/NR10-039.aspx.

PRIVACY COMMISSIONER OF CANADA ANNOUNCES RESEARCH PROJECTS

Jennifer Stoddart, Privacy Commissioner of Canada, has released a list of those research projects that have been approved for funding by her office for 2010-2011.

Fifteen projects will receive an aggregate sum of $500,000. Some of the research projects should be of particular interest to our Saskatchewan access and privacy community including: *Privacy Risks and Mitigation in Consumer Health Informatic Products; First Nations and Electronic Health Record Systems;* and *"Smart" Private Eyes in Public Places? Video Surveillance Analytics, New Privacy Threats and Protective Alternatives.* The full list is available at www.priv.gc.ca.

ANOTHER EXCELLENT RESOURCE

The law firm, Hicks Morley, has produced an excellent summary of leading cases in Ontario and other parts of Canada entitled *Information and Privacy Post*. This summary discusses 99 different court decisions and arbitration decisions. The website is www.hicksmorley.com.

PRIVACY AND THE SMART GRID

Ontario Information and Privacy Commissioner, **Ann Cavoukian**, has done some very useful work in considering how to manage privacy protection in the context of electrical utilities and the new challenges posed by Smart Grid systems. You can download the new publication, *Privacy by Design: Achieving the Gold Standard in Data Protection for the Smart Grid* at www.ipc.on.ca.

USA CERTIFICATION PROGRAM FOR iEHR TECHNOLOGY

On June 18, 2010, the Office of the National Coordinator for Health Information Technology (ONC) issued a final ruling. This created a temporary certification program for the technology employed by the electronic health record (EHR). This establishes processes that organizations need to become

authorized by ONC to test and certify iEHR technology. The purpose is to ensure that certified iEHR technology will be available for adoption by health care professionals and hospitals seeking to qualify for incentives under the Medicare and Medicaid EHR incentive programs.

BC HYDRO RESISTS TURNING OVER POWER RECORDS

North Vancouver RCMP have withdrawn a contested request for records of more than a thousand homeowners using large amounts of power. The threshold was 93 kilowatt hours per day. BC Hydro went to court to resist the request. BC Hydro noted that in winter months, up to 100,000 customers who use electrical space heaters would use more power than the 93 kilowatt threshold. Although the police routinely seek access to records in the course of their investigations, this request was unusually broad. This case highlights the balancing that needs to occur when police surveillance conflicts with constitutionally protected privacy of citizens.

MARK YOUR CALENDAR!

September 19—20, 2010: *CBA National Privacy and Access Law Conference, "Privacy and Access Rights in the Age of Technology: the State of Canadians' Information Rights in 2010 and Beyond"*, Ottawa, Ontario. For more information, visit http://www.cba.org/pd/details.aspx?id=NA_PRV10

September 28—29, 2010: *Saskatchewan Access, Privacy, Security and Records Management Forum 2010—"Making Connections"*, Regina Inn, Regina, Saskatchewan. For more information, visit www.verney.ca/sk2010

November 2—3, 2010: *PIPA Conference 2010—"Getting Through the Privacy Jungle—How to See the Forest...and the Trees"*. For more information, visit http://www.privacyconference.ca/agenda.php

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